

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 3:18-00137-04

REBECCA S. BRYANT

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant Rebecca S. Bryant's third renewed *pro se* Motion for Release under COVID-19/CARES Act. ECF No. 206. Similar to her other two motions, Defendant expresses concern over contracting COVID-19 in combination with her elevated risk factors of obesity and diabetes. Defendant also now asserts she has exhausted her administrative remedies with the Bureau of Prisons, which denied her request for relief.

Although the Court appreciates Defendant's concern about COVID-19, "the *fear* of contracting a communicable disease proves insufficient to justify a sentence modification." *United States v. Feiling*, No. 3:19cr112 (DJN), 2020 WL 1821457, at *7 (E.D. Va. Apr. 10, 2020) (internal quotation marks omitted) (emphasis in original). Additionally, despite her underlying conditions, Plaintiff fortunately is housed at a facility that has no active COVID-19 cases. *See* COVID-19 Cases, Federal Bureau of Prisons (updated August 31, 2020), <https://www.bop.gov/coronavirus/>. Thus, the Court finds there are no "extraordinary and compelling" reasons to justify a reduction in her sentence under 18 U.S.C. § 3582(c)(1)(A)(i), and the Court **DENIES** her motion.

The Court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: September 1, 2020

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE